

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HILLSIDE DAIRY, INC., et al.,

Plaintiffs,

v.

A.G. KAWAMURA, Secretary, California  
Department of Food &  
Agriculture, et al.,

Defendants.

CIV-S-97-1179 GEB JFM

**STIPULATION AND ORDER**

PONDEROSA DAIRY, et al.,

Plaintiffs,

v.

A.G. KAWAMURA, Secretary, California  
Department of Food &  
Agriculture, et al.,

Defendants.

CIV-S-97-1185 GEB JFM

**RECITALS**

WHEREAS, on May 11, 2004, Summary Judgment was Granted in favor of Plaintiffs;

WHEREAS, on May 11, 2004, Judgment was entered pursuant to the Order Granting Plaintiffs Summary Judgment (“Judgment”);

WHEREAS, Plaintiffs’ Amended Motion for Attorneys’ Fees and Costs (“Motion”) was submitted on September 27, 2004;

WHEREAS, in the Motion, Plaintiffs stated: “Plaintiffs will submit a supplemental declaration to include their attorneys’ fees expended in seeking fees as well as any other adjustment necessary to the total fee request”;

WHEREAS, on August 13, 2004, the Parties Stipulated that “Plaintiffs will have to file yet at least one more supplemental declaration regarding the amount and nature of fees associated with the motion to stay, as well as preparing their reply in support of the Motion, and preparing for the September 27, 2004 hearing on the Motion”;

WHEREAS, the Parties Stipulated and the Court Ordered on August 16, 2004, that Plaintiffs were permitted to submit — 30 days after the Court Grants the Motion — their First Supplemental Fee Request respecting those fees not included in the original Motion;

WHEREAS, on December 9, 2004, the Court entered its Order Granting Plaintiffs’ Motion;

WHEREAS, Defendants filed a Notice of Appeal of the May 11, 2004 Judgment;

WHEREAS, the parties met with the Ninth Circuit Mediator on December 17, 2004. At the end of the meeting the parties agreed to continue the mediation process by phone and in person during the next several weeks and in order to conserve judicial and party resources the parties jointly requested that the filing of Plaintiffs’ First Supplemental Fee Request be postponed to March 30, 2005 and the Court granted their request on December 22, 2004;

WHEREAS, the parties had another in-person meeting with the Ninth Circuit Mediator on February 7, 2005. At the end of that meeting the parties agreed to continue the mediation process, which has involved further discussions. In order to conserve judicial and party resources the

1 parties jointly requested that the filing of Plaintiffs' First Supplemental Fee Request be postponed  
2 to June 10, 2005 and this Court granted that request;

3 WHEREAS, the parties continue to engage in the mediation process and expect these  
4 discussions will continue into June. In order to conserve judicial and party resources, therefore,  
5 the parties again jointly request that the filing of Plaintiffs' First Supplemental Fee Request be  
6 postponed to August 31, 2005;

7 WHEREAS, by entering into this Stipulation, Plaintiffs' do not waive the right to file their  
8 First Supplemental Fee Request, and further supplemental materials should they be necessary, and  
9 Defendants do not waive their right to oppose any such request;

10 WHEREAS, this Stipulation is expressly conditioned upon and dependent upon the Court  
11 signing and entering this Stipulation as an Order; and

12 THEREFORE:

13 **STIPULATION & ORDER**

14  
15 Plaintiffs are permitted to file their First Supplemental Fee Request on or before August  
16 31, 2005; and

17 THEREFORE:

18 **IT IS SO STIPULATED.**

19 Dated: May 16, 2005

20 Bill Lockyer  
Attorney General of the State of California

21 By: /s/ Linda Berg  
22 LINDA BERG  
23 Deputy Attorney General  
24 Attorneys for Defendants  
25 California Secretary of Food & Agriculture, *et al.*  
26  
27  
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1 Dated: May 16, 2005

2 Thelen Reid & Priest LLP

3  
4 By: /s/ Patrick M. Ryan  
PATRICK M. RYAN  
Attorneys for Plaintiffs  
Hillside Dairy, Inc., *et al.* (No. 97-1179)

5  
6 Dated: May 16, 2005

7 Law Offices of John H. Vetne

8 By: /s/ John H. Vetne  
JOHN H. VETNE  
Attorneys for Plaintiffs  
Ponderosa Dairy, *et al.* (No. 97-1185)

9  
10  
11 I, Patrick M. Ryan, hereby attest that I have obtained the authorization of the attorney  
12 signatories to this document to electronically sign on their behalf.

13 Dated: May 16, 2005

14 Thelen Reid & Priest LLP

15  
16 By: /s/ Patrick M. Ryan  
PATRICK M. RYAN  
Attorneys for Plaintiffs  
Hillside Dairy, Inc., *et al.* (No. 97-1179)

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18  
19 **AS STIPULATED, IT IS SO ORDERED.**

20 Dated: May 17, 2005

21  
22 /s/ Garland E. Burrell, Jr.  
GARLAND E. BURRELL, JR.  
23 United States District Judge  
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